

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY

February 21, 2007

The regular meeting of the New Hampshire Board of Pharmacy was held on **February 21, 2007** at the Board of Pharmacy office, 57 Regional Drive, Concord, New Hampshire. The meeting was **called to order at 9:04 a.m.** with President Kristina Genovese presiding.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

Kristina Genovese, President
George L. Bowersox, Vice-President
Vahrij Manoukian, Treasurer
Sandra B. Keans, Secretary
Margaret E. Hayes, Member
Ronald L. Petrin, Member

ALSO PRESENT

Paul G. Boisseau,
Executive Secretary
Peter A. Grasso,
Chief Compliance Investigator

ANNOUNCEMENT

The Board's monthly meeting for **April** is **rescheduled** and will be held on **Wednesday, April 11, 2007** at 9:00 A.M. here at the Board Office.

II. REVIEW/ADOPTION OF MINUTES

Minutes of the **January 17, 2007 regular meeting** of the Board were **accepted as submitted. (Manoukian/Bowersox). Voted (unanimous).**

III. LICENSING

A. Pharmacists

1. Reinstatement

SIMARD, Frank E.

Plaistow, NH

- NH License No. 1810

- Lapsed 12/31/1996 (non-renewal)

Motion (Manoukian/Hayes) to table the application while awaiting the Attorney General's Office response to verification of Mr. Simard's social security number. Voted (unanimous).

2. Renewal 2007

BOUSQUET, Denis P.

Naples, FL

Awaiting recommendation from APU (Attorney General's Office) relative to Mr. Bousquet's renewal application for 2007 pharmacist licensure received by the Board on December 22, 2006.

Motion (Manoukian/Bowersox) to table Mr. Bousquet's 2007 application for renewal of his license to practice pharmacy in New Hampshire. Voted (unanimous).

B. Pharmacy

1. Change of Ownership

INFUSION SOLUTIONS, INC.

8 Technology Drive
Bedford, NH 03110

Pharmacist-In-Charge: Lori M. Flood, R.Ph.

NH Pharmacist License No. 3083

Owner/Corporate Officer/Supervisor: J. Patrick Dulany

Chief Operating Officer

Application is complete.

Motion (Bowersox/Petrin) to approve the change of ownership of Infusion Solutions, Inc., located at 8 Technology Drive, Bedford, NH and to grant licensure effective on the date of ownership transfer. Voted (unanimous).

2. Change of Location

(a) **WAL-MART PHARMACY 10-2634**

491 Main Street
Gorham, NH 03581

TO

551 Main Street
Gorham, NH 03581

Application is complete.

Motion (Manoukian/Bowersox) to approve the relocation of Wal-Mart Pharmacy 10-2634 to 551 Main Street, Gorham, NH and to grant licensure effective upon the successful completion of a site inspection by the Compliance Unit. Voted (unanimous).

(b) **CVS PHARMACY #500**
27 Portsmouth Avenue
Stratham, NH 03885

TO

7 Portsmouth Avenue *
Stratham, NH 03885

Application complete and accepted as amended.

Motion (Petrin/Hayes) to approve the relocation of CVS Pharmacy #500 to 7 Portsmouth Avenue, Stratham, NH and to grant licensure effective upon the successful completion of a site inspection by the Compliance Unit. Voted (unanimous).

** Amended by USPS to 1 West Road (03-13-07).*

IV. CONTINUING EDUCATION

Continuing education annual audit for CE earned in 2006 for 2007 pharmacist license renewals.

Motion (Bowersox/Petrin) to accept the 20% random audit (conducted February 13, 2007) of all pharmacists who have renewed their licenses for calendar year 2007 (total of 1,988 pharmacists), yielding 398 registrants subject to audit of continuing education completed in 2006. Voted (unanimous).

V. COMPLIANCE UNIT

A. **Activity Report**
• January 2007

Motion (Manoukian/Bowersox) to accept the report as submitted. Voted (unanimous).

B. National Association of Drug Diversion Investigators

- Training Conference
April 11-12, 2007
Stamford, CT

By consensus, the Board authorized out-of-state travel funding for Compliance Investigators Kelly & Clifford.

VI. OLD BUSINESS

A. Guidelines for Limited Waiver of Ph 303.02(k)

Relative to the delivery of prescription drug orders to pharmacies when the prescription department is not open and/or a licensed pharmacist is not on the premises.

The guidelines and a limited waiver of Ph 303.02(k) were established by the Board on August 17, 2005 as a Pilot Program to be assessed at a later time. On January 17, 2007 a Board vote to continue, and expand, the program was defeated.

Motion (Manoukian/Petrin) for reconsideration of the Board's vote (to defeat) cast on January 17, 2007. Voted (unanimous).

Motion (Bowersox/Hayes) to reinstate* and to continue the program and to accept applications from other community pharmacies. Applications shall be reviewed individually, by the Board's compliance staff, and a waiver of Ph 303.02(k) may be granted pursuant to compliance with the guidelines as modified and adopted this date. Voted (Passed – Commissioner Keans opposed).

** Certain Hannaford Pharmacy locations previously granted waivers of Ph 303.02(k) on August 17, 2005 shall continue to be recognized.*

For the record, the amended guidelines for granting limited waivers of Ph 303.02(k) are published as follows:

Delivery of Prescription Drugs to Pharmacy When Closed

The following guidelines were established by the Board of Pharmacy on February 21, 2007 and may be permitted, by a limited waiver of Ph 303.02(k), pursuant to pharmacy-specific requests. Requests should be addressed to Peter A. Grasso, R.Ph., the Board's Chief Compliance Investigator.

In order to assure the security and integrity of drug orders containing prescription drugs delivered to pharmacies when the prescription department is not open and/or a licensed pharmacist is not on the premises:

- 1. A totally enclosed area*, which includes overhead security (a "cage"), that is lockable may be utilized for the interim storage of prescription drug orders arriving at the pharmacy.*
- 2. The "cage" must be inspected and approved (in writing) by the Board or its agents.*
- 3. The custody of the key to the "cage" (by non-pharmacist personnel) shall be assigned by the pharmacist-in-charge.*
- 4. All totes containing prescription drugs shall be affixed with numbered seals.*
- 5. There shall be a "Chain of Custody" for **all** incoming shipments.*
- 6. "Chain of Custody" documentation shall be in the form of a log, and contain the following information:*
 - a. Date and time of delivery;*
 - b. Number of totes (count);*
 - c. List of seal numbers;*
 - d. Signature of delivery person **and** signature of receiving person.*
- 7. The delivery is then locked in the caged area.*
- 8. The pharmacist, or his/her designee, shall:*
 - a. Retrieve the order;*
 - b. Verify the number of totes;*
 - c. Verify the seal numbers;*
 - d. Verify that the order has not been tampered with.*
- 9. Upon verification of the drug order(s), the pharmacist shall affix to the "Chain of Custody" log:*
 - a. His/her signature;*
 - b. Date the order was retrieved (if applicable).*
- 10. These records shall be maintained and readily retrievable at the pharmacy for a period of 2 years.*

** Suggested construction of the cages (i.e size, materials, location) should be discussed with one of the Board's Compliance Investigators prior to actual construction.*

B. Automated Counting / Dispensing Systems

Motion (Petrin/Keans) to amend the guidelines (previously approved by the Board on March 15, 2006) relative to automated counting/dispensing systems. Voted (unanimous).

For the record, the amended guidelines are published as follows:

Automated Counting / Dispensing Systems

Pharmacies using automated counting devices or dispensers in which drugs are removed from manufacturer's original packaging and placed in bulk bins shall comply with the following guidelines:

1. *A filling record shall be maintained, manually or in a computerized record from which information can be readily retrieved, for each bin including:*
 - a. *The drug name and strength, if any;*
 - b. *The name of the manufacturer or distributor;*
 - c. *Manufacturer's control or lot number(s) for all lots placed into the bin at the time of filling;*
 - d. *Any assigned lot number; and*
 - e. *An expiration date. Unless otherwise specified in the individual USP monograph, the expiration date or beyond use date shall be no later than the expiration date on the manufacturer's container or, one year from the date the drug is repackaged, whichever is earlier.*
 2. *If more than one lot is added to a bin at the same time, the lot which expires first shall be used to determine the expiration date if shorter than a calculated date based on USP guidelines.*
 3. *If a drug recall occurs involving any of the lot numbers currently in the bin, the entire contents of the bin shall be immediately removed.*
 4. *[Repealed 02-21-2007]*
~~*Each bin shall be labeled in such a manner as to cross-reference the information on the filling record with the correct expiration date.*~~
 5. *[Repealed 02-21-2007]*
~~*The expiration date on the bin's label shall reflect the expiration date assigned to the earlier lot, and the bin shall be allowed to "run dry" where all product is completely removed prior to filling at least once every 60 days with a record made of the run dry dates.*~~
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VII. NEW BUSINESS

A. NH Division of Emergency Medical Services

- Douglas McVicar, MD, Chairman
NH EMS Medical Control Board

Dr. McVicar requested the Board's approval of Heparin and Hydroxocobalamin for inclusion in the 2007 Edition of the NH EMS Patient Care Protocols. The Board's approval is required by RSA 153-A:5, RSA 318:42, X and RSA 318-B:10.

Motion (Manoukian/Bowersox) to approve the inclusion of Heparin and Hydroxocobalamin in the 2007 Edition of the NH EMS Patient Care Protocols. Voted (unanimous).

The meeting was recessed at 11:23 A.M.

A non-public session was called (Manoukian/Petrin) at 11:37 A.M. with Commissioners Bowersox, Genovese Hayes, Keans, Manoukian, and Petrin present.

Discussions and/or decisions occurring during this non-public (confidential) session were according to RSA 91-A:3, I & II and involved information pursuant to ongoing investigations as reported by the Board's Compliance Investigator(s) and/or the Office of the Attorney General, the disclosure of which would likely adversely affect a person's reputation and/or would render the Board's proposed action ineffective.

The non-public session was adjourned at 1:45 P.M.

VIII. ADJOURNED 1:46 P.M.

Respectfully submitted,

Sandra B. Keans
Secretary
FOR THE BOARD